IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 1ST DECEMBER 2006 / 10TH AGRAHAYANA 1928

Bail Appl..No. 7094 of 2006()

CRIME NO.454/06 OF ETTUMANOOR POLICE STATION

: PETITIONER/6TH ACCUSED:

NITHIN C.BABU, S/O.CHANDRABABU,
AGED 23 YEARS, RESIDING AT CHIRAYIL HOUSE,
ETTUMANOOR P.O., KOTTAYAM.

BY ADV. SRI.MATHEW SKARIA
SRI.JOSE THOMAS (PEEDIKAYIL)
SRI.C.V.SABU

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. THE S.H.O.,
ETTUMANOOR POLICE STATION,
ETTUMANOOR P.O.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

B.A.No. 7094 OF 2006

DATED THIS THE 1ST DAY OF DECEMBER, 2006

O R D E R

Petitioner, who is the second accused in Crime No.454/06 of Ettumanoor Police Station for offences punishable under sections 143, 147, 323, 324, 452 and 294(b) read with section 34 IPC, seeks anticipatory bail. The occurrence took place on 23.10.2006.

2. The learned Public Prosecutor on instructions submitted that the petitioner is a known rowdy in that area and an accused in other crimes involving one for an offence punishable under section 302 IPC and that after the occurrence in the present case, in the same night he and others set fire to the shop of the de facto complainant resulting in the registration of another crime.

3. Anticipatory bail cannot be granted to a person like the petitioner under these circumstances. There is no reason why the petitioner should not seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files

an application for regular bail, within 10 days from today, the same shall be considered and disposed of, preferably on the same date on which it is filed.

With the above observation, this petition is dismissed.

V.RAMKUMAR, JUDGE

dsn